

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VNUS MEDICAL TECHNOLOGIES, INC.

No. C-05-2972 MMC

Plaintiff

v.

DIOMED HOLDINGS, INC., et al.,

Defendants

**ORDER GRANTING IN PART AND
DENYING IN PART DEFERRED
PORTION OF DIOMED'S MOTION FOR
ADMINISTRATIVE LEAVE TO FILE
DOCUMENTS UNDER SEAL;
DIRECTIONS TO DIOMED**

Before the Court is the deferred portion of defendants Diomed Holdings, Inc. and Diomed, Inc.'s (collectively, "Diomed") motion for administrative relief to file documents under seal, filed August 24, 2007, specifically, Diomed's request to file under seal Exhibit 8 to the Declaration of Charles T. Steenburg in Opposition to VNUS's Motion for Summary Judgment.

Having reviewed the Declaration of Brian Farley, filed by plaintiff on September 12, 2007, the Court rules as follows:

1. Because plaintiff has demonstrated that Exhibit 8 contains material properly sealable, the deferred portion of Diomed's motion is hereby GRANTED in part, specifically, the Clerk is directed to file under seal the unredacted version of Exhibit 8.

2. To the extent Diomed seeks leave to file the entirety of Exhibit 8 under seal, the motion is hereby DENIED, for the reason plaintiff has withdrawn its prior designation of

1 confidentiality as to any portion of Exhibit 8, other than page 69, line 5 to page 71, line 7. If
2 Diomed wishes the Court to consider the portions of Exhibit 8 that are no longer designated
3 as confidential by plaintiff, Diomed is hereby DIRECTED to electronically file in the public
4 record such page(s) no later than September 24, 2007.

5 **IT IS SO ORDERED.**

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7 Dated: September 19, 2007

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9 MAXINE M. CHESNEY
10 United States District Judge
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